### **EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

Page 1 of 4

**DOCKET NO.:** 2007-0676-AIR-E **TCEQ ID:** RN100210517 **CASE NO.:** 33308

RESPONDENT NAME: Diamond Shamrock Refining Company, L.P.

ORDER TYPE:		
X 1660 AGREED ORDER	FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING
FINDINGS DEFAULT ORDER	_SHUTDOWN ORDER	IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
AMENDED ORDER	_EMERGENCY ORDER	
CASE TYPE:		
_X_AIR	MULTI-MEDIA (check all that apply)	INDUSTRIAL AND HAZARDOUS WASTE
PUBLIC WATER SUPPLY	PETROLEUM STORAGE TANKS	OCCUPATIONAL CERTIFICATION
WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL
MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	DRY CLEANER REGISTRATION
SITE WHERE VIOLATION(S) OCCURR  TYPE OF OPERATION: Petroleum refining	ED: Diamond Shamrock McKee Plant, 6701 Farm	-to-Market Road 119, Moore County
SMALL BUSINESS: Yes X	No	
OTHER SIGNIFICANT MATTERS: Ther facility location, Docket Nos. 2007-1096-AIR	re are no complaints. There are three additional peners. E.E., 2007-0314-AIR-E, and 2006-1774-AIR-E.	ding enforcement actions regarding this
INTERESTED PARTIES: No one other that	an the ED and the Respondent has expressed an inte	rest in this matter.
COMMENTS RECEIVED: The Texas Reg	ister comment period expired on September 10, 200	7. No comments were received.
TCEQ Enforcement Coordinator David Van Soest, Enforcement Div Respondent: Mr. John Deemer, Er 119, Sunray, Texas 79086-2013; M Company, L.P., P.O. Box 696000,	nvironmental Manager, Diamond Shamrock Refining Mr. Thomas A. Shetina, Vice President and General	ment Team 5, R-13, (210) 403-4006; Mr. g Company, L.P., 6701 Farm-to-Market Road

**DOCKET NO.:** 2007-0676-AIR-E

#### **VIOLATION SUMMARY CHART:** CORRECTIVE ACTIONS VIOLATION INFORMATION PENALTY CONSIDERATIONS TAKEN/REQUIRED World Type of Investigation: Total Assessed: \$30,826 **Ordering Provisions:** \_\_\_ Complaint Routine 1) The Order will require the Respondent Total Deferred: \$6,165 Enforcement Follow-up X Expedited Settlement to implement and complete a X Records Review Supplemental Environmental Project (SEP) (See Attachment A). \_\_Financial Inability to Pay Date(s) of Complaints Relating to this 2) The Order also will require the Case: None SEP Conditional Offset: \$12,330 Respondent to: Date of Investigation Relating to this Total Paid to General Revenue: \$12,331 a. Within 30 days after the effective date of Case: April 10, 12, 13 and May 9, 2007 this Agreed Order: Site Compliance History Classification Date of NOE Relating to this Case: \_\_ High \_X Average \_\_ Poor i. Implement measures designed to prevent April 13, 16, 17 and May 14, 2007 (NOE) unauthorized emissions due to the same **Person Compliance History Classification** causes as the emissions events that occurred Background Facts: This was a routine \_\_ High \_X\_ Average \_\_ Poor on November 11 and December 31, 2006, records review. Seven violations were and January 1 and 14, 2007; and documented. Major Source: X Yes No ii. Develop and implement procedures to AIR Applicable Penalty Policy: September 2002 ensure proper reporting of future emissions events and timely responses to requests for 1) Failure to include all facility common information regarding future emissions names in the initial notification and final events. emissions event report for Incident No. 85519. Specifically, common names for the Main Refinery Flare and No. 2 b. Within 45 days after the effective date of this Agreed Order, submit written Crude/Vacuum Unit Fugitives were certification including detailed supporting included, but those for the three Vacuum documentation including photographs, Compressors and two Refinerly Lights receipts, and/or other records to Ends ("RLE") Compressors were not [30 demonstrate compliance with Ordering TEX. ADMIN. CODE § 101.201(a)(2) and TEX. HEALTH & SAFETY CODE § Provision Nos. 2.a.i. and 2.a.ii. 382.085(b)]. 2) Failure to prevent unauthorized emissions and to operate a flare, emission point number ("EPN") FL-1, with a pilot flame present at all times. Specifically, on December 31, 2006 between 7:00 a.m. and 8:00 a.m. the pilot flame was not lit causing an emissions event (Incident No. 85519) during which 136.1 pounds ("lbs") of hydrogen sulfide ("H2S") and 4,506.9 lbs of volatile organic compounds ("VOCs") were released. Since the emissions event was avoidable, the Respondent failed to meet the demonstration criteria for an affirmative defense in 30 Tex. ADMIN. CODE § 101.222 [30 Tex. ADMIN. CODE §§ 116.715(a) and 101.20(3) Flexible Permit No. 9708/PSD-TX-861M2 Application Representations, Table F-2, and Special Condition 9B, 40 CODE OF FEDERAL

## RESPONDENT NAME: Diamond Shamrock Refining Company, L.P.

**DOCKET NO.:** 2007-0676-AIR-E

REGULATIONS § 60.18(c)(2), and Tex. HEALTH & SAFETY CODE § 382.085(b)].

- 3) Failure to include all facility common names in the initial notification and final emissions event report for Incident No. 85520. Specifically, common names for several facilities were included, but those for the #1 Deisobutanizer and the BB Treater were not [30 Tex. Admin. Code § 101.201(a)(2) and Tex. Health & Safety Code § 382.085(b)].
- 4) Failure to prevent unauthorized emissions. Specifically, unauthorized emissions of 6,588.9 lbs of VOCs, 100 lbs of nitrogen oxides ("NOx"), 714.2 lbs of carbon monoxide ("CO"), and 1,081.7 lbs of sulfur dioxide ("SO2)" were released from the No. 1 Main Refinery Flare, EPN FL-1, during an emissions event (Incident No. 85520) that occurred on January 1, 2007 and lasted 1 hour and 11 minutes. Since the emissions event was avoidable, the Respondent failed to meet the demonstration criteria for an affirmative defense in 30 Tex. Admin. Code § 101.222 [30 Tex. Admin. Code §§ 116.715(a) and 101.20(3), Flexible Permit No. 9708/PSD-TX-861M2, Application Representations, Table F-2 and TEX. HEALTH & SAFETY CODE § 382.085(b)].
- 5) Failure to prevent unauthorized emissions. Specifically, unauthorized emissions of 578.7 lbs of VOCs, 33.7 lbs of NOx, 194.2 lbs of CO, and 2,835 lbs of SO2 were released from the Hydrocracker ("HCU") Unit Flare, EPN FL-4, during an emissions event (Incident No. 86015) that occurred on January 14, 2007 and lasted 5 hours and 58 minutes. Since the emissions event was avoidable, the Respondent failed to meet the demonstration criteria for an affirmative defense in 30 Tex. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.715(a) and 101.20(3), Flexible Permit No. 9708/PSD-TX-861M2, Application Representations, Table F-2 and TEX. HEALTH & SAFETY CODE § 382.085(b)].
- 6) Failure to prevent unauthorized emissions. Specifically, unauthorized emissions of 1,828.8 lbs of SO2, 19.5 lbs of H2S, and 286.4 lbs of VOCs were released from the No. 1 Main Refinery Flare and No. 2 Vacuum Unit, EPN FL-1, during an emissions event (Incident No. 83769) that occurred on November 11, 2006 and lasted 16 hours and 10 minutes. Since the emissions event was avoidable and improperly reported, the Respondent

# RESPONDENT NAME: Diamond Shamrock Refining Company, L.P. DOCKET NO.: 2007-0676-AIR-E

failed to meet the demonstration criteria for an affirmative defense in 30 Tex.

ADMIN. CODE § 101.222 [30 Tex. ADMIN. CODE §§ 116.715(a) and 101.20(3), Flexible Permit No. 9708/PSD-TX-861M2, Application Representations, Table F-2 and Tex. Health & Safety Code § 382.085(b)].

7) Failure to include all required information in the initial and final emissions event reports. Specifically, the

emissions event reports. Specifically, the initial report did not contain all facility common names (the No. 1 Main Refinery Flare was listed, but the No. 2 Vacuum Unit was not). The final report also did not contain the facility common name No. 2 Vacuum Unit, duration of the event (which changed to 16 hours and 10 minutes, but was not revised for the final report), compound descriptive type of all compounds released (only reported SO2, but H2S and VOCs were also released), and best known cause for the event [30 TEX. ADMIN. CODE § 101.201(a)(2) and (b)(1) and Tex. HEALTH & SAFETY CODE § 382.085(b)].

# Attachment A Docket Number: 2007-0676-AIR-E

#### SUPPLEMENTAL ENVIRONMENTAL PROJECT

Diamond Shamrock Refining Company, L.P.

Respondent:

Payable Penalty Amount: Twenty-Four Thousand Six Hundred Sixty-One Dollars

(\$24,661)

SEP Amount: Twelve Thousand Three Hundred Thirty Dollars (\$12,330)

Type of SEP: Pre-approved

Third-Party Recipient: Texas Association of Resource Conservation and Development

Areas, Inc. ("RC&D")- Unauthorized Trash Dump Clean-Up

**Location of SEP:** Moore County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

### 1. Project Description

#### A. <u>Project</u>

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to coordinate with city and/or county governmental officials regarding the clean up of sites where trash has been disposed of illegally. Eligible sites will be limited to those where a responsible party can not be identified and where there is no pre-existing obligation to clean up the site by the owner or the government. Additionally, reasonable efforts must have already been taken to prevent the dumping. SEP monies will be used to pay for the direct cost of collection and disposal of debris. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

#### B. Environmental Benefit

This SEP will provide a discernible environmental benefit by helping rid communities of the dangers and health threats associated with non-regulated trash dumps which contaminate air and water, and harbor disease carrying animals and insects.

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Diamond Shamrock Refining Company, L.P. Agreed Order – Attachment A

#### C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

#### 2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc. 1716 Briarcrest Drive, Suite 510 Bryan, Texas 77802-2700

#### 3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division Attention: SEP Coordinator, MC 219 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

#### 4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality Financial Administration Division, Revenues Attention: Cashier, MC 214 P.O. Box 13088 Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

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Diamond Shamrock Refining Company, L.P. Agreed Order – Attachment A

#### 5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

#### 6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

### 7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

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Policy Revision 2 (Septe	Penalty Calculatio	n Worksheet (	•	March 19, 2007
TCFQ			. 3.7.10.13011	
DATES Assigned PCW	16-Apr-2007 9-Jul-2007 <b>Screening</b> 26-Apr-2007	EPA Due 8-Jan-200	8	
RESPONDENT/FACILITY	INFORMATION			
Respondent	Diamond Shamrock Refining Company, L.P			
Reg. Ent. Ref. No.		Major/Minor Cour	an Major	
Facility/Site Region	1-Amarilio	Major/Minor Sour	Ce [MajOi	
CASE INFORMATION			Name of the Control o	***************************************
Enf./Case ID No.		No. of Violatio		
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Media Program(s)	Air		or Trina Grieco m EnforcementTeam 6	
Multi-Media Admin. Penalty \$ L	imit Minimum \$0 Maximum	\$10,000	III Emorcement cam o	
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	Penalty Calcula	ation Section		
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TOTAL BASE PENAL	TY (Sum of violation base penaltie	9S) - Alle Marie Control	Subtotal 1	\$12,800
ADJUSTMENTS (+/-) Subtotals 2-7 are obtain	TO SUBTOTAL 1 ned by multiplying the Total Base Penalty (Subtotal 1) by	y the indicated percentage.		
Compliance Histo			btotals 2, 3, & 7	\$21,376
A CONTRACTOR OF THE CONTRACTOR	Penalty enhancement due to 11 NOVs is	ssued for same or similar		
Nietea	violations, 1 NOV issued for non-similar v	violations, 4 agreed orders	3	
Notes	containing a denial of liability, and 1 court	t order containing denial o	f	
	liability.			
A to time	NI-		Subtotal 4	\$0
Culpability	No   0%	Enhancement	Subtotal 4 [	<del>_</del>
Notes	The Respondent does not meet th	e culpability criteria.		
Good Faith Effort	t to Comply 0%	Reduction	Subtotal 5	\$0
	Before NOV NOV to EDPRP/Settlement Offer		· · · · · · · · · · · · · · · · · · ·	-
Extraordinary				
Ordinary				
N/A	X (mark with x)	<u> </u>		
Notes	The Respondent does not meet th	e good faith criteria.		
		<u>.                                    </u>	<u> </u>	
and have been a made	54 - 54 - 54 - 6 <b>6</b> - <b>66</b> - <b>68</b>	Enhancement*	Subtotal 6	\$0
A		d at the Total EB \$ Amount		
Approx.	Cost of Compliance \$7,750			
SUM OF SUBTOTAL	S 1-7 日本 中政化学、自然管理中的	authore, in the light	Final Subtotal	\$34,176
00 01. 002.1077				
OTHER FACTORS A	S JUSTICE MAY REQUIRE		Adjustment	\$0
	ubtotal by the indicated percentage. (Enter number on	ly; e.g30 for -30%.)	- Company Comp	
,			1.0	
Notes				
		Einal	Penalty Amount	\$34,176
		i illai	r enaity Amount	40 1,110
STATUTORY LIMIT A	DUISTMENT	Final A	ssessed Penalty	\$30,826
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DEFERRAL		20% Reduction	Adjustment	-\$6,165
	nalty by the indicted percentage. (Enter number only; e.	.g. 20 for 20% reduction.)	The state of the s	-
Notes	Deferral offered for expedite	ed settlement.		

PAYABLE PENALTY

\$24,661

PCW

Respondent Diamond Shamrock Refining Company, L.P.

Case ID No. 33308

Reg. Ent. Reference No. RN100210517 Media [Statute] Air

Enf. Coordinator Trina Grieco

Policy Revision 2 (September 2002) PCW Revision March 19, 2007

		Site Enhancement (Subtotal 2) Number of,	Inter Number Here	Adjust.	
	NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	11	55%	
-		Other written NOVs	1	2%	
		Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	4	80%	
	Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0,1000 1011	:- , ,,0%,,:	
	Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	1	30%	
	and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	6.0	0%	jí.
	Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%	
	Emissions	Chronic excessive emissions events (number of events)	0	0%	
	Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%	
		Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%	
_		Pleas	se Enter Yes or No		
	And the same	Environmental management systems in place for one year or more	No	0%	
	Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%	
	0	Participation in a voluntary pollution reduction program	No	0%	
		Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No "	0%	
_	- I amin'iliana	Adjustment P	ercentage (Su	ıbtotal 2)	1
peat	Violator (Su	btotal 3)			
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mpii	ance History		MONEGLES CALL	54 JUL 16 JUL -	
	Compliance History Notes	Penalty enhancement due to 11 NOVs issued for same or similar violations, 1 NOV issued for violations, 4 agreed orders containing a denial of liability, and 1 court order containing deni		e <sup>ta</sup>	

Screening Date	26-Apr-2007	Docket No	. 2007-0676-AIR-E	PCW
Respondent	Diamond Shamrock Refini	ing Company, L.P.	F	Policy Revision 2 (September 2002)
Case ID No.	33308			PCW Revision March 19, 2007
Reg. Ent. Reference No.	RN100210517			
Media [Statute]	Air			**************************************
Enf. Coordinator	Trina Grieco			***************************************
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code §	101.201(a)(2) and Tex. He	ealth & Safety Code § 382.085	5(b)
Violation Description	event report for Incident N Flare and No. 2 Crude/\	lo. 85519. Specifically, con /acuum Unit Fugitives were	itial notification and final emis mmon names for the Main Re e included, but those for the th s ("RLE") Compressors were	finery nree
			Base Pe	enalty \$10,000
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OR Actual			Boroont 09/	
Potential			Percent 0%	
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Matrix Notes	Less than 30% (1	of 9) of the requirements v	were not met.	
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Violation Events				
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RAMATION AND A STATE OF THE STA	single event x	<b>-</b>		
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A A A A A A A A A A A A A A A A A A A	One s	ingle event is recommende	∍d.	
Economic Benefit (EB) for th	nis violation		Statutory Limit Test	Programme Conference C
Entimate	ad FR Amount	\$99	Violation Final Penalty	Total \$267
Estimate	ed EB Amount		_	L
		This violation Final Asse	essed Penalty (adjusted for	limits) \$267

Case ID No.		nrock Refining Com	pany, L.P.	profession of the	James All Control	State of the state	
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APP 000 App 200 App 20	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	: EB Amount
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Delayed Costs		1975 ach 1973 ann 1973 an					
Equipment	NE TURBLE BOOK		Medicina i	0.0	\$0	\$0	\$0
Buildings		Sin Statistical	Care Care Care	0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$1,500	31-Dec-2006	15-Feb-2008	1.1	\$84	n/a	\$84
Remediation/Disposal				0,0	\$0	n/a	\$0
Permit Costs				0,0	\$0	n/a	\$0
				A			
Other (as needed)	\$250 Estimated cos	31-Dec-2006 t of procedures and	15-Feb-2008	1.1 y to ens	\$14 sure that plant pers	n/a sonnel file accurate e	\$14
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Notes for DELAYED costs  Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment	Estimated cos reports. Da	t of procedures and ate required based of projecte	I training necessar on the date the inited date new report	y to ensial emising production of the tring 0.0 0.0 0.0 0.0 0.0 0.0	sure that plant pers	sonnel file accurate et was submitted, Finolemented.  one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$14  emissions event al date is the sosts)  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$
Notes for DELAYED costs  Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated cos reports. Da	t of procedures and ate required based of projecte	I training necessar on the date the inited date new report	y to ensial emising processor of the pro	sure that plant pers ssions event repor redures will be imp item (except for \$0 \$0 \$0 \$0 \$0	sonnel file accurate of twas submitted, Fin- plemented.  one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$14 emissions event al date is the  costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Suppiles/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Estimated cos reports. Da	t of procedures and te required based oprojecte  UALIZE [1] avoide	I training necessar on the date the inited date new report ed costs before e	y to ensial emising processor of the pro	sure that plant pers ssions event repor redures will be imp item (except for \$0 \$0 \$0 \$0 \$0	sonnel file accurate of twas submitted, Fin- plemented.  one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$14 emissions event al date is the  costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs  Avoided Costs Disposal Personnel nspection/Reporting/Sampling Suppiles/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated cos reports. Da	t of procedures and ate required based of projecte	I training necessar on the date the inited date new report ed costs before e	y to ensial emising processor of the pro	sure that plant pers ssions event repor redures will be imp item (except for \$0 \$0 \$0 \$0 \$0	sonnel file accurate of twas submitted, Fin- plemented.  one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$14 emissions event al date is the  costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs  Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Estimated cos reports. Da	t of procedures and te required based oprojecte  UALIZE [1] avoide	I training necessar on the date the inited date new report ed costs before e	y to ensial emising processor of the pro	sure that plant pers ssions event repor redures will be imp item (except for \$0 \$0 \$0 \$0 \$0	sonnel file accurate of twas submitted, Fin- plemented.  one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$14 emissions event al date is the  costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

1976年18月1日 - 1987年198日 - 1986年1

Scre	ening Date	26-Apr-2007		Doo	ket No. 2007-0676	S-AIR-E	PCW
igi e i şiya et e.	Respondent	Diamond Shamr	ock Refining	g Company, L.P.			
	Case ID No.		•				PCW Revision March 19, 200
Reg. Ent. Re							
	lia [Statute]						
	Coordinator						
Viol	lation Number Rule Cite(s)	2			· · · · · · · · · · · · · · · · · · ·		<del></del>
	Rule Cite(s)	861M2 Applica	ation Repres	entations, Table	1.20(3) Flexible Pern F-2, and Special Con ex. Health & Safety (	dition 9B, 40 Cod	le of
Violatio	on Description	("EPN") FL-1, w between 7:00 a (Incident No. 8: 4,506.9 lbs of ve	ith a pilot fla i.m. and 8:00 5519) during olatile organ lable, Diamo	me present at all 0 a.m. the pilot fla 1 which 136.1 pou ic compounds ("\ ond Shamrock fai	d to operate a flare, of times. Specifically, of the was not lit causing the mode of the condition of the co	on December 31, ng an emissions e en sulfide ("H2S") d. Since the emis onstration criteria t	2006 event ) and esions
						Base Pe	enalty \$10,00
> Environmenta	l, Property a	ind Human H	ealth Matr Harm	<b>X</b>		31,39 (2.3)	
	Release		Moderate	Minor			
OR	Actual			X			
	Potential				Percent	25%	
Programmatic	and the state of t		ja krija za			·	
3.0	Falsification	Major	Moderate	Minor	Percent	0%	
			L		reiceili	0 76	
Matrix Notes	Human he				2 tons of pollutants vor environmental rec	eptors.	7,500
olation Events					in Acceptance and the		\$2,5
	Number of Vi	olation Events	1		1 Number o	f violation days	of the soul of the
		Summano		Description			
·		daily monthly					
	mark only one	quarterly		•	\	/iolation Base Pe	enalty \$2,5
•	with an x	semiannual					
		annual					
•		single event	X				
			One sin	gle event is reco	mmended		
			0110 0111	gio ovom lo rocci			
conomic Benef	it (EB) for th	is violation	t option ( v take)		Statuto	ry Limit Test	
		d EB Amount		\$113	and a similar to the second	ion Final Penalty	, Total \$6,6
				This violation Fi	nal Assessed Penal	ty (adjusted for I	limits) \$6,6

leg. Ent. Reference No.				•		Maria de la compania	Years of
Media Violation No.		•				Percent Interest	Pears of Depreciation
Wiolation No.	To a respectable to the				Commence of the control of the	5.0	e. Post 1
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description		given Produces (State	BELGER ST.		(in the property of	ijkli i satvajska je je zagaja	
	of the characteristic conservation		Constitution of the Consti	and the second		and the second second	
Delayed Costs	Mark Company of the C	riya sangalin-tarah-irili sera		19 Develop	144 S. 15 S. Mark (S. 1677)		
Equipment				0,0	\$0	\$0	\$0
Buildings				0,0	\$0	\$0	\$0
Other (as needed)		311.5011		0,0	\$0	\$0 \$0	\$0 \$0
Engineering/construction		المنظولة المتعدد	10000	0.0	\$0 \$0	, \$υ n/a	\$0 \$0
Land				0.0	\$0	n/a n/a	\$0 \$0
Record Keeping System Training/Sampling	-1		a dispersion of the second	0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
			11 100 100 100 100 100 100	0.0	\$0	n/a	\$0
Pormit Costs							
Permit Costs Other (as needed)  Notes for DELAYED costs			ite of the pilot flam	1.1 quipmer e outag	\$113 nt designed to ens e. Final date corre	n/a ure the pilot flame is ective actions are pi	\$113 Iit at all times
Other (as needed)  Notes for DELAYED costs	Estimated cos Date require	it to implement me ed based on the da	easures or install ed te of the pilot flam o	ulpmer e outage complete	\$113 nt designed to ens e. Final date corre ed.	n/a ure the pilot flame is ective actions are pi	\$113 s lit at all times ojected to be
Other (as needed)  Notes for DELAYED costs  Avoided Costs	Estimated cos Date require	it to implement me ed based on the da	easures or install ed te of the pilot flam o	1.1 quipmer e outage complete ntering	\$113 It designed to ense. Final date corred. Item (except for	n/a ure the pilot flame is ective actions are propertime avoided	\$113 s lit at all times rojected to be costs)
Other (as needed)  Notes for DELAYED costs  Avoided Costs  Disposal	Estimated cos Date require	it to implement me ed based on the da	easures or install ed te of the pilot flam o	1.1 quipmer e outage complete ntering 0.0	\$113  It designed to ense. Final date corred.  Item (except for	ure the pilot flame is ective actions are pro- one-time avoided	\$113 s lit at all times ojected to be costs)
Other (as needed)  Notes for DELAYED costs  AVOIDED COSTS  Disposal Personnel	Estimated cos Date require	it to implement me ed based on the da	easures or install ed te of the pilot flam o	1.1 quipmer e outage complete ntering 0.0 0.0	t designed to ense. Final date correct.  Item (except for \$0 \$0 \$0	n/a ure the pilot flame is ective actions are pi  one-time avoided \$0 \$0	\$113 s lit at all times rojected to be costs) \$0 \$0 \$0
Other (as needed)  Notes for DELAYED costs  AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling	Estimated cos Date require	it to implement me ed based on the da	easures or install ed te of the pilot flam o	1.1. quipmer e outage complete ntering 0.0 0.0 0.0	\$113  It designed to ense. Final date correct.  Item (except for \$0 \$0 \$0 \$0	n/a ure the pilot flame is ective actions are pi one-time avoided \$0 \$0 \$0 \$0	\$113 s lit at all times rojected to be costs) \$0 \$0 \$0 \$0
Other (as needed)  Notes for DELAYED costs  AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	Estimated cos Date require	it to implement me ed based on the da	easures or install ed te of the pilot flam o	1.1 quipmer e outage complete ntering 0.0 0.0 0.0 0.0 0.0	t designed to ense. Final date corred.  item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a ure the pilot flame is ective actions are pr  one-time avoided \$0 \$0 \$0 \$0 \$0	\$113 s lit at all times ojected to be  costs) \$0 \$0 \$0 \$0
Other (as needed)  Notes for DELAYED costs  AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated cos Date require	it to implement me ed based on the da	easures or install ed te of the pilot flam o	ntering  0.0 0.0 0.0 0.0 0.0	standard to ense. Final date correct.  Item (except for \$0	n/a ure the pilot flame is ective actions are pi  one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$113 s lit at all times rojected to be  costs) \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed)  Notes for DELAYED costs  AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated cos Date require	it to implement me ed based on the da	easures or install ed te of the pilot flam o	1.1 quipmer e outage complete ntering 0.0 0.0 0.0 0.0 0.0	t designed to ense. Final date corred.  item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a ure the pilot flame is ective actions are pr  one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$113 s lit at all times ojected to be  costs) \$0 \$0 \$0 \$0
Other (as needed)  Notes for DELAYED costs  AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated cos Date require	it to implement me ed based on the da	easures or install ed te of the pilot flam o	a1.1. quipmer e outage complete ntering 0.0 0.0 0.0 0.0 0.0 0.0	standard to ense. Final date correct.  Item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided  \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$113 s lit at all times ojected to be costs)  \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed)  Notes for DELAYED costs  AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated cos Date require	it to implement me ed based on the da	easures or install ed te of the pilot flam o	a1.1. quipmer e outage complete ntering 0.0 0.0 0.0 0.0 0.0 0.0	standard to ense. Final date correct.  Item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided  \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$113 s lit at all times ojected to be costs)  \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Estimated cos Date require	t to implement me ad based on the da	easures or install ed te of the pilot flam o	a1.1. quipmer e outage complete ntering 0.0 0.0 0.0 0.0 0.0 0.0	standard to ense. Final date correct.  Item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a ure the pilot flame is ective actions are pi  one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$113 s lit at all times ojected to be costs)  \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)  Notes for AVOIDED costs	Estimated cos Date require	st to implement me ad based on the da	easures or install ed te of the pilot flam o	a1.1. quipmer e outage complete ntering 0.0 0.0 0.0 0.0 0.0 0.0	standard to ense. Final date correct.  Item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a ure the pilot flame is ective actions are pi  one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$113 s lit at all times ojected to be costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Estimated cos Date require	t to implement me ad based on the da	easures or install ed te of the pilot flam o	a1.1. quipmer e outage complete ntering 0.0 0.0 0.0 0.0 0.0 0.0	standard to ense. Final date correct.  Item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a ure the pilot flame is ective actions are pi  one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$113 s lit at all times ojected to be costs)  \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

Violation Events  Number of Violation Events 1 1 Number of violation days  daily monthly quarterly semiannual annual single event x  One single event is recommended.  Economic Benefit (EB) for this violation  Estimated EB Amount \$0 Violation Final Penalty Total \$267	Screening	<b>Date</b> 26-Apr-2007	Docket No. 2007-0676-	AIR-E PC	:W
Reg. Ent. Reference No. RN100210517  Media [Statute] Air Enf. Coordinator Trina Grieco Violation Number Rule Cite(s) 30 Tex. Admin. Code § 101.201(a)(2) and Tex. Health & Safely Code § 382.085(b) Falled to include all facility common names in the initial notification and final emissions event report for Incident No. 85520. Specifically, common names for several facilities were included, but those for the #1 Deissobutenizer and the BB Treater were not.  Base Penalty \$10,000  **Programmatic Matrix   Potential	Respon	dent Diamond Shamrock Ro	efining Company, L.P.	Policy Revision 2 (September 2	2002)
Media [Statute] Air Enf. Coordinator Tima Grisco Violation Number Rule Cite(s) 3 Tex. Admin. Code § 101.201(a)(2) and Tex. Health & Safety Code § 382.085(b) Falled to include all facility common names in the initial notification and final emissions event report for incident No. 85520. Specifically, common names or several facilities were included, but those for the #1 Deisobutanizer and the BB Treater were not.  Base Penalty \$10,000  Senvironmental, Property and Human Health Matrix Harm OR Release Major Moderate Minor Actual Potential Potential Percent 1%  Matrix Less than 30% (one of nine) of the requirements were not met.  Violation Events  Number of Violation Events  Number of Violation Events  One single event is recommended.  Economic Benefit (EB) for this violation Estimated EB Amount  \$0 Violation Final Penalty Total \$260				PCW Revision March 19,	2007
Enf. Coordinator Trina Grieco Violation Number 3 Rule Cite(s)  Failed to include all facility common names in the initial notification and final emissions event report for inclident No. 85520. Specifically, common names for several facilities were included, but those for the #1 Deisobutanizer and the BB Treater were not.  **Sase Penalty**  **Sase Penal					
Violation Number Rule Cite(s)  30 Tex. Admin. Code § 101.201(a)(2) and Tex. Health & Safety Code § 382.085(b)  Falled to include all facility common names in the initial notification and final emissions event report for Incident No. 85520. Specifically, common names for several facilities were included, but those for the #1 Deisobutanizer and the BB Treater were not.  Base Penalty  \$10,000  **Secondary Code**  **Percent**  **Percent**  **Percent**  **Notes**  **Less than 30% (one of nine) of the requirements were not met.  **Notes**  **Number of Violation Events**  **One single event is recommended.**  **Economic Benefit (EB) for this violation**  **Estimated EB Amount**  **Secondary Code**  **Safety Code § 382.085(b)  **Falled to included all facility common names in the initial notification and final emissions event report for incident No. 85220. Specifically, common names for several facilities were included.**  **Base Penalty**  **\$10,000  **Programmatic Matrix**  **Percent**  **1%  **Adjustment**  **\$\$9,900  **\$100  **Secondary Code**  **Adjustment**  **\$\$\$100  **Secondary Code**  **Yiolation Events**  **Number of Violation Events**  **Incident Year Code**  **Secondary Code**  **Yiolation Base Penalty**  **Yiolation Base Penalty**  **Secondary Code**  **One single event is recommended.**  **Economic Benefit (EB) for this violation**  **Secondary Code**  **Sec					
Number of Violation Events   Same Penalty   Same		grammon common c			
Violation Description  Failed to include all facility common names in the initial notification and finel emissions event report for incident No. 85520. Specifically, common names for several facilities were included, but those for the #1 Deisobutanizer and the BB Treater were not.  **Base Penalty**  S10,000  **Sex Penalty**  S10,000  S10,					
Violation Description   event report for Incident No. 85520. Specifically, common names for several facilities were included, but those for the #1 Deisobutanizer and the BB Treater were not.	Rule C	30 Tex. Admin. Cod	le § 101,201(a)(2) and Tex. Health & Safety (	Code § 382.085(b)	
>> Environmental, Property and Human Health Matrix Harm Release Major Moderate Minor Actual Potential Percent 0%  >> Programmatic Matrix Falsification Major Moderate Minor Falsification Major Moderate Minor  Falsification Major Moderate Minor  Falsification Major Moderate Minor  Falsification Major Moderate Minor  Adjustment \$9,900  S100  Violation Events  Number of Violation Events 1 1 Number of violation days  Matrix Notes  Number of Violation Events 1 1 Number of violation days  Major Moderate Minor  Adjustment \$9,900  S100  Violation Events  One single event is recommended.  Economic Benefit (EB) for this violation  Estimated EB Amount \$50 Violation Final Penalty Total \$260	Violation Descr	iption event report for Incid	ent No. 85520. Specifically, common names	for several facilities	
OR Release Major Moderate Minor Actual Potential Potential Percent 0%  >>Programmatic Matrix Falsification Major Moderate Minor Adjustment Sequence 11%  Matrix Notes Less than 30% (one of nine) of the requirements were not met.    Adjustment Sequence				Base Penalty \$10	0,000
Falsification Major Moderate Minor    Matrix   Notes   Less than 30% (one of nine) of the requirements were not met.	OR Re	Harn elease Major Moder Actual	n ate Minor	0%	4
Falsification Major Moderate Minor    Matrix   Notes   Less than 30% (one of nine) of the requirements were not met.	>>Programmatic Matrix				
Notes    Adjustment   \$9,900		cation Major Moder		1%	And the second s
Violation Events    Number of Violation Events		Less than 30% (	one of nine) of the requirements were not me	t. 200	
Violation Events    Number of Violation Events				000 02	
Violation Events  Number of Violation Events 1 1 Number of violation days  daily monthly quarterly semiannual annual single event x  One single event is recommended.  Economic Benefit (EB) for this violation  Estimated EB Amount \$0 Violation Final Penalty Total \$265			Adjustment		
Number of Violation Events 1 1 Number of violation days    Mark only one with an x   Mark only one single event   X   Mark only one single event   X   Mark only one with an x   Mark only one single event   X   Mark only one with an x   Mark only one single event   X   Mark one single event   X   Mark only					\$100
daily monthly   quarterly semiannual annual single event   x      One single event is recommended.    Economic Benefit (EB) for this violation   \$1000	Violation Events				
mark only one with an x    Mark only one with an x   Semiannual annual single event   X      One single event is recommended.    Conomic Benefit (EB) for this violation   Statutory Limit Test	Numbe	r of Violation Events 1	1 Number of	violation days	
Economic Benefit (EB) for this violation  Statutory Limit Test  Estimated EB Amount \$0 Violation Final Penalty Total \$267		monthly quarterly semiannual annual	Vid	olation Base Penalty	\$100
Estimated EB Amount \$0 Violation Final Penalty Total \$267		0			
Estimated Estimated Francisco	Economic Benefit (EB)	for this violation	Statutory	Limit Test	
	Est	timated EB Amount	\$0 Violatio	n Final Penalty Total	\$267
					\$267

	RN100210517 Air	•					Years of
Violation No.						Percent Interest	Depreciation
			AND A LOS		introduce production in the control of the control	5.0	, , , 15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$	and the dispersion of			Tapanah Set	nicenii.	
Delayed Costs	The pole-strice	era era				a si kana ka	
Equipment	ngresignite related	Balica All	Profession (	0.0	\$0	\$0	\$0
Buildings		50,211		0.0	\$0	\$0	\$0
Other (as needed)	Lill had believed as a st			0.0	\$0	\$0	\$0
Engineering/construction			and the same of th	0,0	\$0	\$0	\$0
Land	187 - He 1770 SP 177 11. L			0.0	\$0	n/a	\$0
Record Keeping System	TE AND STATE OF THE STATE	السسسسيسا		0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0.	n/a	\$0
Permit Costs		i in prest i presidenti di la di	1 2,15	0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0
Notes for DELAYED costs	33.534	his	arani mana		Branch de Alline	efit calculated in Vic	
	PINI)	Marize III avoide	u vosta petore	0.0	\$0	\$0	\$0 I
Avoided Costs	- paranti 1707 (BEEL MARIE)			0.0	\$0	\$0	\$0
Disposal	Barry or an expensional field in		PRODUCTION OF THE PROPERTY OF		\$0	\$0.	\$0
Disposal Personnel		121 - 1400 200 00000	Library is the forth better as the control of	III U.U			
Disposal Personnel spection/Reporting/Sampling		No control of the con	300 (A) (A)	0.0			
Disposal Personnel Ispection/Reporting/Sampling Supplies/equipment				0.0	\$0 \$0	\$0 \$0	\$0
Disposal Personnel Ispection/Reporting/Sampling Supplies/equipment Financial Assurance [2]				0.0	\$0 \$0	\$0 \$0	\$0 \$0
Disposal Personnel Ispection/Reporting/Sampling Supplies/equipment				0.0	\$0	\$0	\$0

A transfer of the second of th

Scree	ning Date 26-Apr-2007	Docke	<b>t No.</b> 2007-0676-AIR-E	PCW
	•	nrock Refining Company, L.P.		Policy Revision 2 (September 2002
	ise ID No. 33308			PCW Revision March 19, 200
	rence No. RN100210517			
	I [Statute] Air Fordinator Trina Grieco			
	ion Number 4			
	Rule Cite(s) 30 Tex. Admi	n. Code §§ 116.715(a) and 101.20 plication Representations, Table F 382.085(b	-2 and Tex. Health & Safety	
Violation	6,588.9 lbs of ("CO"), and Description Refinery Flare on January 1	event unauthorized emissions. Sp VOCs, 100 lbs of nitrogen oxides 1,081.7 lbs of sulfur dioxide ("SO2 EPN FL-1, during an emissions e 2007 and lasted 1 hour and 11 m e, Diamond Shamrock failed to me affirmative defense in 30 Tex. A	pecifically, unauthorized emis ("NOx"), 714.2 lbs of carbon 2)" were released from the No event (Incident No. 85520) the inutes. Since the emissions tet the demonstration criteria	monoxide o. 1 Main at occurred event was
			Ba	se Penalty \$10,00
engerages de l'acceptant properties de la SASC (A. ).	and the second of the contract	TO THE STATE OF TH		
> Environmental,	Property and Human I	NOT THE PROPERTY OF STREET AND STREET	Section in ACC	News Control of the C
	Release Major	Harm Moderate Minor		
OR	Actual	x		•
	Potential		Percent 50%	
B - Control		and the second s		
Programmatic M	aurx Falsification Major	Moderate Minor		
r F			Percent 0%	
Matrix Notes		vironment were exposed to 4.24 to re protective of human health or e		t exceed
				<b>CF 000</b>
ell Shigh (15 y thóm graph bha le 1532).	· 1985年 - 198	Profesionarouggenous acciones envents de la Secul	Adjustment	\$5,000
			•	\$5,00
iolation Events				
	lumber of Violation Events	1	Number of violation d	ays
	daily (			
	mark only one quarterly with an x semiannual		Violation Ba	se Penalty \$5,00
	annual single event	X		<u> </u>
		One single event is recomm	ended.	
conomic Benefit	(EB) for this violation		Statutory Limit T	est
	Estimated EB Amount	\$84	Violation Final Pe	enalty Total \$13,35
	No.	<b>_</b>	AID	1.51:14-)
		This violation Final	Assessed Penalty (adjusted	d for limits) \$10,00

Violation No.	Air 4					Percent Interest	Years of Depreciation	
	THE PERSON	T Shishala da	i i sullitari di alci		เสมเสียน จรางที่ รู้ใ	5.0	15	
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount	
Item Description	No commas or \$	Organisation (C		i delegio	manula i	ntery and the many collectivity of the	palific this.	
	JAM ARKSTONIAN PROJECTION	1.31	evel a cruz dodinació successo e		to constitution of the second	suming a contract of the season	1996	
Delayed Costs		in death is the Market		Markey M				
Equipment				0.0	\$0	\$0	\$0	
Buildings				0.0	\$0	\$0	\$0	
Other (as needed)		and the same	garant a katalan di	0,0	\$0	\$0	\$0	
Engineering/construction				0.0	\$0	\$0	\$0	
Land		The state of the s		0.0	\$0	n/a	\$0	
Record Keeping System	المراجع	فللما والما والم		0,0	\$0	n/a	\$0	
Training/Sampling			200.4	0.0	\$0	n/a	\$0	
Remediation/Disposal				0.0	\$0	n/a	\$0 \$0	
Permit Costs Other (as needed)  Notes for DELAYED costs						n/a n/a es are closed. Date cted to be complete	\$84 required based	
Other (as needed)  Notes for DELAYED costs	Estimated cost o	t to implement mean the event. Final	asures designed to date is the date o	1.1 o ensure orrective	\$84 appropriate valve actions are proje	es are closed. Date cted to be complete	\$84 required based ed.	
Other (as needed)  Notes for DELAYED costs  Avoided Costs	Estimated cost o	t to implement mean the event. Final	asures designed to date is the date o	1.1 ensure orrective	appropriate valve actions are proje	es are closed. Date cted to be complete one-time avoided	\$84 required based ed.	
Other (as needed)  Notes for DELAYED costs  Avoided Costs  Disposal	Estimated cost o	t to implement mean the event. Final	asures designed to date is the date o	o ensure orrective	appropriate valve actions are proje	es are closed. Date cted to be complete one-time avoided	\$84 required based ed. costs)	
Other (as needed)  Notes for DELAYED costs  Avoided Costs  Disposal Personnel	Estimated cost o	t to implement mean the event. Final	asures designed to date is the date o	ntering	\$84 appropriate valve actions are proje item (except for \$0 \$0	es are closed. Date cted to be complete one-time avoided \$0 \$0 \$0	required based ed.  costs) \$0.074464	· · · · · · · · · · · · · · · · · · ·
Other (as needed)  Notes for DELAYED costs  Avoided Costs  Disposal Personnel nspection/Reporting/Sampling	Estimated cost o	t to implement mean the event. Final	asures designed to date is the date o	ntering	\$84 appropriate valves actions are proje item (except for \$0 \$0 \$0 \$0	as are closed. Date cted to be complete one-time avoided \$0 \$0 \$0	\$84 required based ad.  costs) \$000000000000000000000000000000000000	) : <b>!</b> \
Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment	Estimated cost o	t to implement mean the event. Final	asures designed to date is the date o	1.1 o ensure orrective ntering 0.0 0.0 0.0 0.0	\$84 appropriate valve actions are proje item (except for \$0 \$0 \$0 \$0	es are closed. Date cted to be complete one-time avoided \$0 \$0 \$0 \$0 \$0 \$0	\$84 required based ad.  costs) \$0 \$0 \$0 \$0	7 No. 1
Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated cost o	t to implement mean the event. Final	asures designed to date is the date o	1.1  o ensure orrective ntering   0.0 0.0 0.0 0.0 0.0 0.0	\$84 appropriate valve actions are proje item (except for \$0 \$0 \$0 \$0 \$0	es are closed. Date cted to be complete sone-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$84  required based ed.  costs)  \$0,37177 \$0 \$0 \$0 \$0 \$0	\$ : <b>5</b> \
Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated cost o	t to implement mean the event. Final	asures designed to date is the date o	ntering 0.0 0.0 0.0 0.0	\$84 appropriate valve actions are proje item (except for \$0 \$0 \$0 \$0	es are closed. Date cted to be complete one-time avoided \$0 \$0 \$0 \$0 \$0 \$0	\$84 required based ad.  costs) \$0 \$0 \$0 \$0	No.
Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated cost o	t to implement mean the event. Final	asures designed to date is the date o	1.1  o ensure orrective ntering   0.0 0.0 0.0 0.0 0.0 0.0 0.0	\$84 appropriate valve actions are proje item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	es are closed. Date cted to be complete sone-time avoided so	\$84  required based ad.  costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$ : \$ \$ \frac{1}{2} \tag{1}
Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Estimated cost o	t to implement mean the event. Final	asures designed to date is the date o	1.1  o ensure orrective ntering   0.0 0.0 0.0 0.0 0.0 0.0 0.0	\$84 appropriate valve actions are proje item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	es are closed. Date cted to be complete sone-time avoided so	\$84  required based ad.  costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	
Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated cost o	t to implement mean the event. Final	asures designed to date is the date o	1.1  o ensure orrective ntering   0.0 0.0 0.0 0.0 0.0 0.0 0.0	\$84 appropriate valve actions are proje item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	es are closed. Date cted to be complete sone-time avoided so	\$84  required based ad.  costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	j i <b>ž√</b>
Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Estimated cost o	t to implement mean the event. Final	asures designed to date is the date o	1.1  o ensure orrective ntering   0.0 0.0 0.0 0.0 0.0 0.0 0.0	\$84 appropriate valve actions are proje item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	es are closed. Date cted to be complete sone-time avoided so	\$84  required based ad.  costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$ : <b>!</b> \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \
Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Estimated cost o	t to implement mean the event. Final	asures designed to date is the date o	1.1  o ensure orrective ntering   0.0 0.0 0.0 0.0 0.0 0.0 0.0	\$84 appropriate valve actions are proje item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	es are closed. Date cted to be complete sone-time avoided so	\$84  required based ad.  costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$ : <b>₹₩</b>
Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Estimated cost o	t to implement mean the event. Final	asures designed to date is the date o	1.1  o ensure orrective ntering   0.0 0.0 0.0 0.0 0.0 0.0 0.0	\$84 appropriate valve actions are proje item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	es are closed. Date cted to be complete sone-time avoided so	\$84  required based ad.  costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	9: <b>१५</b>

Scre	ening Date	26-Apr-2007		Docket No. 2007-0676	S-AIR-E	PCW
rei e e e e e e e e e e e e e e e e e e	Respondent	Diamond Shamro	ck Refining Company, L	P.	Policy Re	evision 2 (September 2002)
	Case ID No.	33308		į.	PCV	V Revision March 19, 2007
Reg. Ent. Re	ference No.	RN100210517				
Med	lia [Statute]	Air				The second secon
Enf. (	Coordinator	Trina Grieco				DOCUMENT
Viol	ation Number					
	Rule Cite(s)		cation Representations,	l 101.20(3), Flexible Perr Table F-2 and Tex. Heal 2.085(b)		
Violatio	on Description	lbs of VOCs, 33.7 the Hydrocracker 86015) that occ the emissi	unauthorized emissions  Ibs of NOx, 194.2 lbs of ("HCU") Unit Flare, EPI urred on January 14, 20 ons event was avoidabl	s. Specifically, unauthori, of CO, and 2,835 lbs of SN FL-4, during an emissing an and lasted 5 hours and lasted 5 hours are, Diamond Shamrock fare defense in 30 Tex. Adn	O2 were released from ons event (Incident No. nd 58 minutes. Since alled to meet the	
					Base Penalty	\$10,000
>> Environmenta	I, Property a	200 contraction of the contract of the contrac	**************************************			•
	Release		Harm oderate Minor			
OR	Actual		x			
,	Potential			Percent	25%	
>>Programmatic	Matrix					
	Falsification	Major M	oderate Minor	-		
				Percent	0%	
Matrix Notes	Human he			1.82 tons of pollutants valth or environmental rec		
			en a para Bala	Adjustmen	<b>t</b> \$7,500	
						\$2,500
Violation Events		og dis selius do instructi				
•	Number of Vi	olation Events	1	1 Number of	of violation days	
		daily				
	mark only one with an x	monthly quarterly semiannual annual single event	X		/iolation Base Penalty	\$2,500
			One single event is r	ecommended.		
Borrowspy, m. em. a year mee	S.A. 1700-007 - 2, 50, 200 - 17 72 1 7 7 7 1	Constitution of the consti				
Economic Benef	and the state of t	or a reconstruction of reconstruction of the service will be a service of the ser			ry Limit Test	
	Estimate	d EB Amount	\$104	Violat	ion Final Penalty Total	\$6,675
			This violation	n Final Assessed Penal	ty (adjusted for limits)	\$6,675
Entranscript committeents retents	Same of Armed Control (September 1997)					

item Description	Item Cost	The same translation of the		i Sintsanalas	Chicago Company	Percent Interest	Years of Depreciation
Item Description	item Cost	D. (. D	Final Date	Yrs	Interest Saved	5.0 Onetime Costs	18 EB Amount
item Description		Date Required			interest Javeu	Medine Costs	MED Alliount
	No commas or \$		William and Color	anda a 1919		TELESISA BARBARAN E	A.A Collaboration
Delayed Costs		S Folkielesski	all of the continuous			Aleman canidate sanciale personal	ta day dag
Equipment		374,674,677,435,643		0,0	\$0	\$0	\$0
Buildings			jukan agas Jake	0.0	\$0	\$0	\$0
Other (as needed)			Maria de la composición del composición de la composición de la composición del composición de la comp	0,0	\$0	\$0	\$0
Engineering/construction			V. I. W. L.	0,0	\$0	\$0	\$0
Land	Agency and the Committee of the Committe			0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0,0	\$0	n/a	\$0
Permit Costs				0.0		1689 Sharefelbara (227) 1250 Coale Scientifica	\$0
Other (as needed)  Notes for DELAYED costs				2.1 ensure		n/a n/a e insulation and to p on the date of the e	\$104 prevent the high
200 July 200	Estimated cos	t to implement mea separator level tran	sures designed to smitter from freez	2.1 ensure ing. Da	\$104 the integrity of pip	n/a e insulation and to pon the date of the e	\$104 prevent the high
200 July 200	Estimated cost pressure cold s	t to implement mea separator level tran based on ti	sures designed to smitter from freez ne date corrective	ensure ing. Da actions	\$104 the integrity of pip te required based are projected to b	n/a e insulation and to pon the date of the e	\$104 prevent the high vent. Final date
Notes for DELAYED costs	Estimated cost pressure cold s	t to implement mea separator level tran based on ti	sures designed to smitter from freez ne date corrective	ensure ing. Da actions	\$104 the integrity of pip te required based are projected to b	e insulation and to pointhe date of the ecompleted.	\$104 prevent the high vent. Final date
Notes for DELAYED costs  Avoided Costs	Estimated cost pressure cold s	t to implement mea separator level tran based on ti	sures designed to smitter from freez ne date corrective	ensure ing. Dat actions	\$104 the integrity of pip te required based are projected to b item (except for	n/a e insulation and to pon the date of the ecompleted. one-time avoided of	\$104 prevent the high vent. Final date costs) \$0 \$0
Notes for DELAYED costs  Avoided Costs  Disposal	Estimated cost pressure cold s	t to implement mea separator level tran based on ti	sures designed to smitter from freez ne date corrective	ensure ing. Dar actions ntering	\$104 the integrity of pipte required based are projected to b item (except for	n/a e insulation and to on the date of the e e completed. one-time avoided o	\$104 prevent the high vent. Final date  costs) \$0 \$0 \$0 \$0
Notes for DELAYED costs  Avoided Costs Disposal Personnel	Estimated cost pressure cold s	t to implement mea separator level tran based on ti	sures designed to smitter from freez ne date corrective	ensure ing. Datactions of the control of the contro	\$104 the integrity of pip te required based are projected to b item (except for \$0 \$0	n/a e insulation and to join the date of the electron completed.  one-time avoided of \$0 \$0	\$104 prevent the high vent. Final date  costs) \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	Estimated cost pressure cold s	t to implement mea separator level tran based on ti	sures designed to smitter from freez ne date corrective	ensure ing. Dar actions	\$104 the integrity of pip te required based are projected to b item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	e insulation and to pon the date of the electric completed.  one-time avoided of the selectric solution in the date of the electric completed.	\$104 prevent the high vent. Final date  costs) \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	Estimated cost pressure cold s	t to implement mea separator level tran based on ti	sures designed to smitter from freez ne date corrective	ensure ing. Dar actions  ntering  0.0  0.0  0.0  0.0	\$104 the integrity of pip te required based are projected to b  item (except for \$0 \$0 \$0 \$0	e insulation and to pon the date of the electric completed.  cone-time avoided of the selectric solution in the selectric	\$104 prevent the high vent. Final date  costs) \$0 \$0 \$0 \$0 \$0

The control of the co

Scre	ening Date	26-Apr-2007			ocket No.	2007-0676	-AIR-E		PCW
R	espondent	Diamond Shan	nrock Refinin	ng Company, L	.P.			Policy Rev	rision 2 (September 2002)
	Case ID No.							PCW	Revision March 19, 2007
Reg. Ent. Ref									
	ia [Statute]								
	oordinator								
VIOIZ	ation Number Rule Cite(s)	6	- Codo CC 1	116.715(a) and	404 20(2) E	lovible Dorn	ait No. 0709/	Den TV	
	Rule Cite(s)			presentations,					
Violation	n Description	1,828.8 lbs of 1 Main Refin (Incident No. minutes. Sin	SO2, 19.5 lb nery Flare and 83769) that ce the emiss	horized emissic os of H2S, and d No. 2 Vacuu occurred on No sions event was ne demonstrati Admin. C	286.4 lbs of m Unit, EPN ovember 11, s avoidable a	VOCs were FL-1, during 2006 and la nd imprope an affirmat	released fro g an emission sted 16 hour rly reported,	m the No. ns event s and 10 Diamond	
							Bas	e Penalty	\$10,000
> Environmental	, <b>Property a</b> Release  Actual  Potential	Major	Health Mat Harm Moderate	Minor		Percent	25%		
		L					<u></u>		
->Programmatic l		Litary de la marca de			Kong Jest Start				
	Falsification	Major	Moderate	Minor	1	Davaamt			
	[			<u>                                     </u>		Percent	0%		
Matrix Notes	Human he	alth and the en levels that a		ere exposed to of human hea				exceed	
	man confidence of the confi		2012000	Michigan Property States	100 100	Adjustmen		\$7,500	
: Ministrativitania: Italiania:	resida succesi decido arrec	anakanakalin la			::::::::::::::::::::::::::::::::::::::		7.		\$2,500
								L	ΨΖ,300
/iolation Events			propries priestalismos	A Diallocks	100 a	ngayang Be 20 si	ar galakan	print Kralek	
	Number of Vi	alation Events	1	7	1	Number o	f violation da	vs	
	ramber of vis	daily [		]	ı ·	<u> </u>			•
		monthly quarterly	***************************************			,	/iolation Bas	e Penalty	\$2,500
	mark only one with an x	semiannual [ annual [ single event [	X				Totalion Bac	.oronan <b>y</b> [	
			One si	ngle event is re	ecommended				
Economic Benefi	t (EB) for th	is violation	(			Statuto	ry Limit Te	st	
out materiallistics solidari (III No. 1 socialida (	erfort i Mont de transfer hat et de anterior de la constante	d EB Amount[	***************************************	\$95	7	Violati	on Final Pei	nalty Total	\$6,675
	Louinale	" FP VIIIOUIII							
e gyako (syas ying yokong ayan dag Unutuka hiyonins o	a elementarion a servici			This violation	n Final Asses	ssed Penal	ty (adjusted	for limits)	\$6,675
							The second of the control of the con		

		rock Refining Com	pany, L.P.	· .			<b>3</b>
Case ID No	74				1		•
eg. Ent. Reference No Media						Park Carrier Street	Years of
Violation No						Percent Interest	Depreciation
VIDIALION NO	. O Sursannansi oday 1913			indesida		Madhar Masaran San	1.00 CT 28.02 CT 27.03 CT 10.00
and the state of t	Item Cost		Final Date	- <b>V</b> 21	Interest Saved	5.0 Onetime Costs	EB Amount
<ul> <li>Consultation of the state of th</li></ul>		Date Required	24 (5 F/R) (19 K) 24 (	Yrs			ministration (project) for
Item Description	1. No commas or \$		i a ye karayaya Milistaya	abaliki,	Control of the contro		<b>Ç</b> ek yarındı.
5212324 6226	MALAMAGATAN SACATOR S	r te letata en en registraria	garinairea de ari	GPIPASANA	ranger grant sa kerata ka	pres vicence encor	1. Tau i
Delayed Costs Equipment	PARTIES AND THE STATE OF	V		0.0	\$0	\$0	\$0
Buildings	816114141 141145			0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	STREET, STREET	3. 10. Part 18. 19	of and the second	0.0	\$0	\$0	\$0
Land			and the second of	0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling			in a periliphore	0.0	\$0	n/a	\$0
Remediation/Disposal	13.5			0,0	\$0	n/a	\$0
Permit Costs	1 1 1 1 1 1 1 1 1 1 1 1 1		2.1.163	0.0	\$0	n/a	\$0
Other (as needed)	\$1,500	11-Nov-2006	15-Feb-2008	1.3	\$95	n/a	\$95
						n Unit pressure from	
Notes for DELAYED costs		ating pressure of 30	-40 millimeters of	mercur		s the date of the rele	
Notes for DELAYED costs  Avoided Costs	historical opera	ating pressure of 30 is the da	-40 millimeters of ate corrective acti	mercun ons are ntering	y. Date required i projected to be co item (except for	s the date of the rele ompleted. one-time avoided o	ease. Final date
Avoided Costs	historical opera	ating pressure of 30 is the da	-40 millimeters of ate corrective acti	mercun ons are ntering 0.0	y. Date required i projected to be co item (except for \$0	s the date of the rele ompleted. one-time avoided of	costs)
Avoided Costs  Disposal  Personnel	historical opera	ating pressure of 30 is the da	-40 millimeters of ate corrective acti d costs before e	mercun ons are ntering 0,0 0,0	y. Date required i projected to be co item (except for \$0 \$0	s the date of the rele ompleted. one-time avoided of \$0 \$0	costs) \$0 \$0
Avoided Costs Disposal Personnel nspection/Reporting/Sampling	historical opera	ating pressure of 30 is the da	-40 millimeters of ate corrective acti	mercun ons are ntering 0.0 0.0	y. Date required i projected to be co item (except for \$0 \$0 \$0	s the date of the releasement of	costs) \$0 \$0 \$0
Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment	historical opera	ating pressure of 30 is the da	-40 millimeters of ate corrective acti d costs before e	mercun ons are ntering 0.0 0.0 0.0	y. Date required i projected to be co item (except for \$0 \$0 \$0	s the date of the releasempleted.  one-time avoided of \$0 \$0 \$0 \$0	sosts) \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	historical opera	ating pressure of 30 is the da	-40 millimeters of ate corrective acti d costs before e	mercun ons are 0.0 0.0 0.0 0.0 0.0	y. Date required i projected to be or item (except for \$0 \$0 \$0 \$0	s the date of the releasempleted.  one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplles/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	historical opera	ating pressure of 30 is the da	-40 millimeters of ate corrective acti d costs before e	mercun ons are 0.0 0.0 0.0 0.0 0.0 0.0	y. Date required i projected to be co- item (except for \$0	s the date of the releasempleted.  one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	historical opera	ating pressure of 30 is the da	-40 millimeters of ate corrective acti d costs before e	mercun ons are 0.0 0.0 0.0 0.0 0.0	y. Date required i projected to be or item (except for \$0 \$0 \$0 \$0	s the date of the releasempleted.  one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	historical opera	ating pressure of 30 is the da	-40 millimeters of ate corrective acti d costs before e	mercun ons are 0.0 0.0 0.0 0.0 0.0 0.0	y. Date required i projected to be co- item (except for \$0	s the date of the releasempleted.  one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	historical opera	ating pressure of 30 is the di	-40 millimeters of ate corrective acti d costs before e	mercun ons are 0.0 0.0 0.0 0.0 0.0 0.0	y. Date required i projected to be co- item (except for \$0	s the date of the releasempleted.  one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$

	Screening Date	26-Apr-2007		Doc	ket No. 2007-067	6-AIR-E		PCW
	. · · · · · · · · · · · · · · · · · · ·		mrock Refinin	g Company, L.P.			Policy Revi	sion 2 (September 2002)
	Case ID No.						PCW	Revision March 19, 2007
Reg. Ent	t. Reference No.		7					
-	Media [Statute]							
. Tanana ara	inf. Coordinator		I					
	Violation Number	·	1	104 004(-)(0)	1 /h)/4) and Tau Un	-141- 0 O-f-4.	0-4-8-7	
	Rule Cite(s)	30 Tex. Ad	imin. Code §	382.00	I (b)(1) and Tex. He 85(b)	aith & Safety	Code 8	
· Vi	olation Description	Specifically, Refinery Flare not contain the changed compound	the initial repo e was listed, b he facility com I to 16 hours a descriptive typ	rt did not contain ut the No. 2 Vacu mon name No. 2 and 10 minutes, b be of all compoun	he initial and final en all facility common uum Unit was not). ' Vacuum Unit, durat ut was not revised f ds released (only re d best known cause	names (the N The final repo tion of the eve for the final re eported SO2,	o. 1 Main rt also did ent (which port), out H2S	
						Bas	e Penalty	\$10,000
>> Environm	ental, Property a	ınd Human	STORE STORES HERESTON OF	rix				
	Release	Major	<b>Harm</b> Moderate	Minor				
OR	Actual		Moderate					
	Potential				Percent	0%		
	- Career (Method to Constitution (1987)		sum managananan managa					
>>Programm					"点面相"。 《			
	Falsification	Major	Moderate	Minor	Doroont	10/		
	L			<u> </u>	Percent	1%	•	
	atrix otes	Less tha	n 30% (six of	24) of the rule rec	quirements were not	met.		
en e		n Karektian a Pinisa a sani ia			Adjustmen	it	\$9,900	
								\$100
Violation Eve	ents asser	rayr el			Kales 1919	anahalah um		
	Number of Vi	olation Events	1		1 Number o	of violation da	ys	
		I mesakana na	<u> </u>	1				
	mark only one	daily monthly quarterly			,	Violation Bas	e Penalty	\$100
	with an x	semiannual annual single event	X					
			One sin	gle event is reco	mmended.			
Economic B	enefit (EB) for th	is violation		seament and seamer also will be	Statuto	ry Limit Te	st	
	Estimate	d EB Amount		\$99	Violat	ion Final Per	nalty Total	\$267
			7	hie violation Fir	nal Assessed Pena	Ity (adjusted	for limits)	\$26
A CONTRACTOR OF THE PROPERTY OF THE PARTY OF	alia materi Piaka S. P. Miller (Male and America)	myr ym garan ag ar mai salla.	n o company a fragger	וווס עוטומנוטוו רוו	iui Assesseu Fella	, (aujusieu		ΨΖΟ

	ı Air					Percent Interest	Years of
Violation No	, 7					- A	Depreciation
and the state of t	Item Cost	Date Required	Final Date	Yrs	Interest Saved	5.0 Onetime Costs	1: EB Amount
Item Description							ili dalah jampakean
					emesadas i		1
Delayed Costs	<b>.</b>		is traditional	a revering but a	Michigan 11 (C)		
Equipment			Kalasilandulfi, at	0.0	\$0	\$0	\$0
Buildings				0,0	\$0	\$0	\$0
Other (as needed)		4		0.0	\$0	\$0	\$0
Engineering/construction		25		0.0	\$0	\$0	\$0 \$0
Land	1 19 19 19 19 19 19 19 19 19 19 19 19 19	SEC About Control during		0.0	\$0 .\$0	n/a n/a	\$0 \$0
Record Keeping System Training/Sampling		1. Sec. 16. 1. 18. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1.	The second secon	0.0	\$0	n/a	\$0 \$0
			i i de la distribuita	0.0	\$0	n/a	\$0 \$0
Rémediation/Disposal Permit Costs			Land Control of the Control	0.0	\$0	n/a	\$0
Other (as needed)	4.4.5.5.4.5.3.5.4.	Street 194 (1971) 1964	<u> ئەت ئارىقىلىل ئالىلىلىدىن بىرى بىرى</u>	J 0.0			. 40
The second section of the second			ii ali ja jäsenjakuunuve.	0.0	\$0	n/a	\$0
Notes for DELAYED costs	The eco	pnomic benefit for t	his violation is inc		\$0		
The second section of		a da	na Alles	luded in	\$0 the economic ben	n/a	olation 1.
Notes for DELAYED costs		a da	na Alles	luded in	the economic ben	efit calculated in Vidone-time avoided of	olation 1. costs)
Notes for DELAYED costs  Avoided Costs		a da	na Alles	luded in	the economic ben	efit calculated in Vic	olation 1. costs) \$0 \$0
Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling		a da	na Alles	entering	the economic ben	efft calculated in Vio	olation 1.  costs) \$0 \$0 \$0
Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment		a da	na Alles	luded in	the economic ben	efit calculated in Vid	olation 1. costs) \$0 \$0 \$0 \$0
Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	ANN	a da	na Alles	ntering 0.0 0.0 0.0 0.0	the economic bender the ec	efit calculated in Vid	sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs  Avoided Costs  Disposal  Personnel Inspection/Reporting/Sampling  Supplies/equipment Financial Assurance [2]  ONE-TIME avoided costs [3]	ANN	a da	na Alles	ntering 0.0 0.0 0.0 0.0 0.0	the economic ben  item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	efit calculated in Vid	costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0
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Avoided Costs  Avoided Costs  Disposal  Personnel  Inspection/Reporting/Sampling  Supplies/equipment  Financial Assurance [2]  ONE-TIME avoided costs [3]	ANN	a da	na Alles	ntering 0.0 0.0 0.0 0.0 0.0	the economic ben  item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	efit calculated in Vid	sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs  Avoided Costs  Disposal  Personnel Inspection/Reporting/Sampling  Supplies/equipment Financial Assurance [2]  ONE-TIME avoided costs [3]	ANN	UALIZE [1] avoide	na Alles	ntering 0.0 0.0 0.0 0.0 0.0	the economic ben  item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	efit calculated in Vid	sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

Control of the Contro

# **Compliance History**

Customer/Respondent/Owner-Operator:	CN600124861	Diamond Shamrock Refini	ing Company,	Classification: AVERAGE	Rating: 3.88
Regulated Entity:	RN100210517	L.P. DIAMOND SHAMROCK N PLANT	<b>I</b> CKEE	Classification: AVERAGE	Site Rating: 7.84
ID Number(s):	AIR OPERATING I		ACCOUNT N	NUMBER	MR0008T
	AIR OPERATING I	PERMITS	PERMIT		1555
	WASTEWATER		PERMIT		WQ0003927000
	WASTEWATER		PERMIT		TPDES0115851
	WASTEWATER		PERMIT		TX0115851
	PUBLIC WATER S	VOTEM/QUIDDI V	REGISTRAT	ION	1710004
•	AIR NEW SOURC		REGISTRAT		75538
			PERMIT	ION	PSDTX861M2
· · · · · · · · · · · · · · · · · · ·	AIR NEW SOURC			TON	
	AIR NEW SOURC		REGISTRAT		70214
	AIR NEW SOURC		REGISTRAT		71692
	AIR NEW SOURC		REGISTRAT	TON	71696
*	AIR NEW SOURC	E PERMITS	EPA ID		. PSDTX1004
	AIR NEW SOURC	E PERMITS	EPA ID		PSDTX861M2
( ) ( ) ( ) ( ) ( ) ( ) ( ) ( ) ( ) ( )	AIR NEW SOURC	E PERMITS	REGISTRAT	ION	77646
	AIR NEW SOURC	E PERMITS	PERMIT		13435
	AIR NEW SOURC	E PERMITS	PERMIT		42
	AIR NEW SOURC		PERMIT		9708
	AIR NEW SOURC		PERMIT		10152
			PERMIT		10727
•	AIR NEW SOURC				13095
	AIR NEW SOURC		PERMIT		
•	AIR NEW SOURC		PERMIT		39988
	AIR NEW SOURC	E PERMITS	ACCOUNT I	NUMBER	MR0008T
	AIR NEW SOURC	E PERMITS	PERMIT		32958
	AIR NEW SOURC	E PERMITS	AFS NUM		4834100031
	INDUSTRIAL AND	HAZARDOUS WASTE	EPA ID		TXD059685339
	GENERATION			•	
•	INDUSTRIAL AND	HAZARDOUS WASTE	SOLID WAS	TE REGISTRATION #	30871
	GENERATION		(SWR)	· • • • • • • • • • • • • • • • • • • •	
		HAZARDOUS WASTE	PERMIT		50229
	STORAGE				
		HAZARDOUS WASTE	PERMIT		50229
	STORAGE				
		INJECTION CONTROL	PERMIT		WDW192
		INJECTION CONTROL	PERMIT		WDW332
		INJECTION CONTROL	PERMIT		WDW225
			PERMIT		WDW226
·		INJECTION CONTROL			
		INJECTION CONTROL	PERMIT		WDW333
		INJECTION CONTROL	PERMIT		WDW020
	UNDERGROUND	INJECTION CONTROL	PERMIT		WDW102
	WATER LICENSII	NG	LICENSE		1710004
	STORMWATER		PERMIT		TXR05P771
	STORMWATER		PERMIT		TXR15P579
	ON SITE SEWAG	F FACILITY	PERMIT		1710271
	ON SITE SEWAG		PERMIT		1710272
	IHW CORRECTIV			STE REGISTRATION #	30871
	IIIV OOMEONV	ENOTION	(SWR)	TE REGIOTATION "	
	INDUSTRIAL AND	HAZARDOUS WASTE	PERMIT		50229
	POST CLOSURE	TIVE WEDGE WASTE	I LIMINI		00200
Location:	6701 FM 119, SU	NRAY, TX, 79086	-	Rating Date: September 0	1 06 Repeat Violator: NC
TCEQ Region:	REGION 01 - AM/	ARILLO			A second
Date Compliance History Prepared:	April 30, 2007				
Agency Decision Requiring Compliance History:	Enforcement				
Compliance Boried:	April 20, 2002 to /	April 20 2007			
Compliance Period:	April 20, 2002 to A	April 20, 2007			
TCEQ Staff Member to Contact for Additional Info	rmation Regarding th	nis Compliance History			
Name: Trina Grieco	Ph	one: (210) 403-4006			
		empliance History Com	ponents		
1. Has the site been in existence and/or operation	for the full five year	compliance period?	Yes		
· · · · · · · · · · · · · · · · · · ·			NI-		
2. Has there been a (known) change in ownership	or the site during the	е сотприансе репост	No .		
2. If Voc. who is the assessed assessed.			N/A		
3. If Yes, who is the current owner?			13/73		

N/A

4. if Yes, who was/were the prior owner(s)?

#### Components (Multimedia) for the Site:

Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 03/31/2003

ADMINORDER 2002-0181-AIR-E

Classification: Moderate

Citation:

30 TAC Chapter 101, SubChapter A 101.6(a)(2)[G]

30 TAC Chapter 101, SubChapter A 101.6(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to comply with upset reporting regulations for eight (8) upset events.

Classification: Moderate

Citation:

30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 116, SubChapter B 116.160[G]

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(c)(1) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(1)

5C THC Chapter 382, SubChapter A 382.085(b)

Rgmt Prov: SC No. 1 PERMIT

SC No. 17 PERMIT

Description: Failure to repair nine (9) leaking components within fifteen calendar days after leaks were

detected.

Classification: Moderate

Citation:

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 116, SubChapter B 116.160[G]

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 1 PERMIT

Description: Failure to maintain opacity of emissions within the permitted limits on nine (9) occasions.

Classification: Moderate

Citation:

30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 116, SubChapter B 116.160[G]

40 CFR Part 60, Subpart A 60.18(c)(1)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC No. 11 PERMIT

SC No. 4 PERMIT

Description: Failure to operate the affected flares with no visible emissions expect for periods not to exceed a

total of five minutes during any two consecutive hours on ten (10) occasions.

Classification: Moderate

Citation:

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 116, SubChapter B 116.160[G]

5C THC Chapter 382, SubChapter A 382.085(b)

Rgmt Prov: SC No. 14 PERMIT

Description: Failure to maintain the No. 2 incinerator firebox exit temperature above 1200F.

Classification: Moderate

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 116, SubChapter B 116.160[G]

5C THC Chapter 382, SubChapter A 382.085(b)

Ramt Prov: SC No. 5 PERMIT

Description: Failure to conduct monthly montoring of volatile organic compounds (VOCs) associated with

cooling tower water with an approved method.

Classification: Moderate

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)(iii)

30 TAC Chapter 116, SubChapter B 116.160[G]

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to make available, at the request of the TNRCC, monthly emissions records required by

NSR Permit No. 9914, Special Conditions, Storage of VOC, No. 7G.

Classification: Moderate

Citation:

30 TAC Chapter 101, SubChapter A 101.20(2)

30 TAC Chapter 113, SubChapter C 113,230

30 TAC Chapter 116, SubChapter B 116.115(c) 40 CFR Part 63, Subpart R 63,425(b)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC No. 2 PERMIT

Description: Failure to determine a monitored operating parameter value for the performance test of the vapor

system.

Classification: Moderate

Citation:

30 TAC Chapter 101, SubChapter A 101.20(2) 30 TAC Chapter 113, SubChapter C 113.230

30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Part 63, Subpart R 63.427(a)

5C THC Chapter 382, SubChapter A 382.085(b)

SC No. 2 PERMIT Rgmt Prov:

Description: Failed to install, calibrate, certify, operate, and maintain a continuos montoring system capable of

measuring temperature in the firebox or in the ductwork.

Classification: Moderate

Citation:

30 TAC Chapter 112, SubChapter A 112.3(a)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to maintain a net ground level concentration of 0.4 parts per million by volume of SO2

averaged over a 30 minute period.

Classification: Minor

Citation:

30 TAC Chapter 21 21.4(e)

30 TAC Chapter 290, SubChapter E 290.51(a)(3)

30 TAC Chapter 305, SubChapter M 305.503[G]

Description: Failure to pay outstanding Public Health Service fees WQA fees and WWI fees.

Effective Date: 08/07/2005 ADMINORDER 2004-1645-MLM-E

Classification: Major

Citation:

2D TWC Chapter 27, SubChapter A 27.011

30 TAC Chapter 331, SubChapter A 331.7(a)

30 TAC Chapter 335, SubChapter A 335.2(g) 30 TAC Chapter 335, SubChapter B 335.43[G]

40 CFR Chapter 270, SubChapter I, PT 270, SubPT A 270.1[G]

VI A-Waste Streams Prohibited from Inj. OP

Description: Failed to prevent the unauthorized injection of characteristically hazardous waste containing benzene into non-hazardous storage tanks and then into non-hazardous waste disposal wells in violation of

permit provision VI A for permits numbered WDW-020, WDW-225, and WDW-226.

COURTORDER Effective Date: 11/23/2005

Classification: Moderate

Citation:

30 TAC Chapter 116, SubChapter B 116.110(a)[G]

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

5C THC Chapter 382, SubChapter A 382.085(b)

MAERT OP Rqmt Prov:

Description: Failed to maintain emission rate below the allowable limit and failed to obtain authorization for emission events that occurred October 13 and 24, and December 11, 2003, and March 19, July 29, and August

29, 2004.

Classification: Moderate

Citation:

30 TAC Chapter 101, SubChapter F 101.201(a)[G]

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to provide written initial notification to the TCEQ within 24 hours of emission events that

occurred on October 13 and 24, 2003, and August 29, 2004.

Classification: Minor

Citation:

30 TAC Chapter 101, SubChapter F 101.201(b)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to submit a final report within 2 weeks of the end date for emission events which occurred

October 13 and 24, 2003. Classification: Minor

Citation:

30 TAC Chapter 101, SubChapter F 101.201(b)(7) 5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to include all required information on the final reports for emission events which occurred

October 24, 2003 and August 29, 2004.

Classification: Minor

30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)

Description: Failure to include estimated quantities on the initial notification for an emissions event

Classification: Minor

Citation:

30 TAC Chapter 101, SubChapter F 101.201(b)

Description: Failure to submit final report for an emissions event within 2 weeks

Classification: Moderate

Citation:

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to meet the maximum allowable emission rates for Permit No. 9914

Citation:

30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

Description: Failure to submit initial notification within 24 hours for an emissions event

Classification: Minor

Citation:

30 TAC Chapter 101, SubChapter F 101.201(b)

Description: Failure to submit final report for an emissions event within 2 weeks

Classification: Minor

30 TAC Chapter 101, SubChapter F 101.201(b)(7)

Description: Failure to include in the final report all individually listed compounds which were released during an

emissions event

Classification: Moderate

Citation:

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to comply with the maximum allowable emission rates for Permit No. 9914

Classification: Minor

Citation:

30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

Description: Failure to submit initial notification within 24 hours of discovery of an emissions event

Classification: Minor

Citation:

30 TAC Chapter 101, SubChapter F 101.201(b)(7)

Description: Failure to include all individually listed air contaminants in the final report for an emissions event

Classification: Moderate

Citation:

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to meet the maximum allowable emission rates of Permit No. 9914

Classification: Moderate

30 TAC Chapter 116, SubChapter B 116.110(a)[G]

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to obtain authorization for emissions from a 4" transfer line on Tank 503

Effective Date: 03/23/2006

ADMINORDER 2005-1111-AIR-E

Classification: Minor

Citation:

30 TAC Chapter 101, SubChapter F 101.201(b)(7)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to include all of the required information in the final reports submitted for the emission

event reporting.

Classification: Moderate

Citation:

30 TAC Chapter 116, SubChapter B 116.117(a)[G]

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit No. 9708/PSD-TX-861M2 OP

Description: Failure to control emissions to the atmosphere by emitting unauthorized air contamination during

an emission event (Incident No. 54540) on February 26, 2005.

Effective Date: 06/26/2006 Classification: Moderate

ADMINORDER 2006-0131-AIR-E

Citation:

30 TAC Chapter 116, SubChapter G 116.715(a) 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit 9708 & PSD-TX-861M2, GC No. 1 PERMIT
Description: Failed to prevent unauthorized emissions of 1030.65 lbs of sulfur dioxide and 11.15 pounds of hydrogen sulfide from the Main Refinery Flare (EPN FL-1) during an avoidable emissions event at Complex 3, which began on October 11, 2005 and lasted for eighteen hours and forty seven minutes.

Any criminal convictions of the state of Texas and the federal government. В.

N/A

C. Chronic excessive emissions events.

The approval dates of investigations. (CCEDS Inv. Track. No.) D.

orova	I dates of inv	estigations. (CCE
1	05/13/2002	(229659)
2	06/18/2002	(229661)
3	07/19/2002	(229663)
4	07/22/2002	(5685)
5	07/25/2002	(6233)
6	08/08/2002	(229665)
7	09/10/2002	(229667)
8	10/08/2002	(229669)
9	11/08/2002	(229671)
10	12/10/2002	(229672)
11	01/08/2003	(229674)
12	01/23/2003	(22639)
13	01/23/2003	(22621)
14	01/23/2003	(22391)
15	01/23/2003	(22420)
16	01/23/2003	(22629)
17	01/23/2003	(22416)
18	02/10/2003	(229651)
19	03/04/2003	(26741)
20	03/06/2003	(229653)
21	03/28/2003	(28061)
22	03/28/2003	(28057)
23	03/28/2003	(28050)
24	03/28/2003	(28056)
25	03/28/2003	(28053)
26	04/04/2003	(31294)
27	04/11/2003	(229657)
28	04/13/2003	(31707)
29	04/13/2003	(31712)
30	05/12/2003	(325386)
31	06/11/2003	(325387)
32	07/15/2003	(325388)
33	08/07/2003	(36149)
34	08/11/2003	(325389)
35	08/14/2003	(150090)
36	08/15/2003 08/15/2003	(150108) (150117)
37	08/15/2003	(150117)
38 39	08/15/2003	(150402)
40	08/18/2003	(150410)
41	08/29/2003	(152993)
42	08/29/2003	(152978)
43	08/29/2003	(152987)
44	08/29/2003	(152990)
45	08/29/2003	(152982)
46	09/10/2003	(325390)
47	10/07/2003	(249490)
48	10/08/2003	(325391)
49	11/06/2003	(252941)
50	11/12/2003	(325392)
51	12/12/2003	(325393)
52	01/12/2004	(325394)
53	02/10/2004	(325384)
54	02/13/2004	(262439)
	0014010004	(202426)

55 02/13/2004

(262426)

		,
56	03/04/2004	(263545)
57	03/04/2004	(263543)
		, ,
58	03/04/2004	(263539)
59	03/11/2004	(263598)
60	03/12/2004	(325385)
61	04/08/2004	(266806)
62	04/26/2004	(365867)
63	04/30/2004	(271083)
64	05/13/2004	(365868)
65	05/14/2004	(262197)
		, ,
66	05/19/2004	(270186)
67	05/19/2004	(270183)
68	05/19/2004	(270190)
69	05/19/2004	(270192)
70	05/19/2004	(270194)
71	06/10/2004	(365869)
72	06/29/2004	(277795)
73	06/29/2004	(277740)
74	07/13/2004	(365870)
		• •
75	07/19/2004	(282462)
76	07/19/2004	(282628)
77	07/30/2004	(281203)
78	07/30/2004	(285088)
79	07/30/2004	(285091)
80	08/18/2004	(365871)
81	09/10/2004	(365872)
		•
82	09/24/2004	(333652)
83	09/24/2004	(333661)
84	09/24/2004	(334110)
85	09/24/2004	(333657)
86	10/09/2004	(334360)
87	10/09/2004	(334357)
88	10/12/2004	(365873)
89	11/08/2004	(389424)
		•
90	11/23/2004	(341283)
91	11/29/2004	(265255)
92	11/29/2004	(265429)
93	11/29/2004	(265642)
94	12/08/2004	(389425)
95	12/21/2004	(344658)
96	12/21/2004	(344651)
97	12/21/2004	(344660)
98	12/29/2004	(342063)
99	12/30/2004	, ,
		(342075)
100	12/30/2004	(340798)
101	12/30/2004	(341924)
102	12/30/2004	(342199)
103	12/30/2004	(342037)
104	12/30/2004	(335411)
105	12/30/2004	(339581)
106	12/30/2004	(341816)
107	12/30/2004	(342089)
	12/30/2004	•
108		(342170)
109	01/12/2005	(389426)
110	01/25/2005	(347113)
111	01/28/2005	(347557)
112	01/28/2005	(347546)
113	01/28/2005	(347482)
114	01/31/2005	(349140)
115	02/08/2005	(430654)
116	02/25/2005	(349075)
	03/04/2005	•
117		(372795)
118	03/04/2005	(372791)
119	03/04/2005	(372782)
120	03/04/2005	(372817)
121	03/11/2005	(351080)
122	03/14/2005	(389423)
123	03/17/2005	(374583)
124	03/17/2005	(374606)
125	04/11/2005	(430655)
126	04/27/2005	(378884)
120	J-112000	(01000-1)
		-

Proposition with a second contraction of the second conorder of the second con-

127 04/27/2005	(372560)
128 05/10/2005	(430656)
129 06/03/2005	(394664)
130 06/07/2005	(453773)
131 06/10/2005	(430657)
132 06/10/2005	(379079)
133 07/06/2005	(398782)
134 07/06/2005	(398777)
135 07/11/2005	(447145)
136 07/22/2005	(400328)
137 07/26/2005	(397864)
138 08/19/2005	(447146)
139 09/12/2005	(431439)
140 09/12/2005	(447147)
141 09/12/2005	(431445)
142 10/05/2005	(433468)
143 10/05/2005	(433480)
144 10/05/2005	(491410)
145 10/05/2005	(433476)
146 11/15/2005	(433770)
147 11/15/2005	(491411)
148 11/22/2005	(438231)
149 11/22/2005	(438224)
150 11/22/2005	(438219)
151 12/14/2005	(434276)
152 12/15/2005	(491412)
153 01/05/2006	(437778)
154 01/05/2006	(437779)
155 01/06/2006	(439635)
156 01/13/2006	(491413)
157 01/30/2006	(438525)
158 01/30/2006	(434022)
159 02/02/2006	(454165)
160 02/07/2006	(491408)
161 02/24/2006	(434941)
162 02/24/2006	(434827)
163 03/07/2006	(491409)
164 04/07/2006	(505767)
165 04/11/2006	(461707)
	(461731)
166 04/12/2006	,
167 04/19/2006	(463113)
168 04/19/2006	(463122)
169 04/19/2006	(463117)
170 04/19/2006	(463085)
171 04/19/2006	(463093)
172 05/01/2006	(463546)
173 05/04/2006	(463490)
174 05/05/2006	(505768)
175 05/30/2006	(480407)
176 05/31/2006	(480794)
177 06/05/2006	(505769)
178 06/22/2006	(480967)
179 06/27/2006	(481025)
180 06/30/2006	(481177)
181 07/13/2006	(486456)
182 07/13/2006	(486447)
183 07/17/2006	(528026)
184 07/18/2006	(482533)
185 07/26/2006	(488930)
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186 07/26/2006	(488656) (489065)
187 07/27/2006	(489065)
188 07/27/2006	(489074)
189 08/24/2006	(528027)
190 08/29/2006	(510486)
191 08/29/2006	(510494)
192 09/07/2006	(488389)
193 09/11/2006	(511697)
194 09/11/2006	(511821)
195 09/12/2006	(512020)
196 09/15/2006	(488452)
197 09/20/2006	(372800)

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198 09/22/2006
                     (512784)
 199 09/22/2006
                     (513104)
 200 09/25/2006
                     (488931)
 201 09/25/2006
                      (528028)
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                      (533581)
 231 12/18/2006
                      (518681)
 232 12/28/2006
                      (515100)
 233 01/08/2007
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 255 04/13/2007
                      (556486)
 256 04/13/2007
                      (556973)
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#### Written notices of violations (NOV). (CCEDS Inv. Track. No.) E.

Date: 08/06/2003 (36149)

Self Report? NO Classification

Moderate

Citation:

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(c)(2)

Description:

Failure to perform the first attempt to repair the leaking pumps no later than 5 days

after each leak was detected.

Date: 03/10/2004

(263598)

Classification Moderate

Self Report? Citation:

30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PA Permit No. 9914, sp. provision No. 11

The facility failed to operate Wastewater Flare according to special provision No. 11of Description:

permit No. 9914. Visible emissions were observed from this flare during several

emissions events.

NO Self Report?

30 TAC Chapter 101, SubChapter F 101.201(e)

Citation: Description:

The company failed to submit the initial emissions event report within 24 hours following the discovery of the event, as required by the provisions of §101.201(e).

NO Self Report?

Classification

Citation:

30 TAC Chapter 116, SubChapter B 116.115(c)

Description:

The company failed to comply with the special provision 19B of the permit No. 8636 by

operating a pump in violation of the required standards

NO Self Report?

30 TAC Chapter 101, SubChapter F 101.201(a)(4)

Citation: Description:

The company failed to provide sufficient information to review the emissions event, as

required by the provisions of §101.201(a)(4).

Date: 11/29/2004 (265255)

Self Report?

Classification

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Classification

Classification

Classification

Moderate

Minor

Moderate

Moderate

Description:

30 TAC Chapter 101, SubChapter F 101.201(b)(7)

Citation:

Failure to include on the final report all compounds released during an emissions

Date: 11/30/2004

(265429)

Self Report?

30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)

Citation: Description:

Failure to include authorized emissions limit on initial notification for an emissions

Date: 12/30/2004

(342075)

Self Report?

30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

Citation: Description:

Self Report?

Failure to submit an initial notification within 24 hours of an emissions event Classification Moderate

Citation:

30 TAC Chapter 116, SubChapter B 116.110(a)[G] 5C THC Chapter 382, SubChapter A 382.085(b)

Failure to obtain authorization to emit air contaminants Description:

Date: 07/26/2005

Self Report?

NC

Classification Moderate

Citation:

30 TAC Chapter 116, SubChapter G 116.715(a)

Description:

The facility failed to comply with the provisions of the flexible permit No. 9708 by

failure to have the Wastewater flare's pilot flame lit at all times. Classification

Self Report? Citation:

30 TAC Chapter 116, SubChapter G 116.715(a)

Description:

The facility failed to comply with the provisions of the flexible permit No. 9708 by failure to operate the No. 2 SRU incinerator with the temperatures above 1200

degrees Fahrenheit.

(480967)

(397864)

Date: 05/05/2006

(463490)

Self Report?

Classification

30 TAC Chapter 116, SubChapter G 116.715(a)

5C THC Chapter 382, SubChapter D 382.085(b)

Failure of FCCU to comply with opacity limits of Permit No. 9708/PSD-TX-861M2 Description:

Date: 06/23/2006

Self Report?

Classification

Classification

Classification

Moderate

Moderate

Citation:

Citation:

30 TAC Chapter 116, SubChapter G 116.715(a)

5C THC Chapter 382, SubChapter A 382.085(b)

Description:

Failure to comply with special condition 24 of Permit No. 9708/PSD-TX-861M2 during

an excess opacity event that occurred on March 23, 2006

Date: 06/28/2006

(481025)

Self Report?

Classification Minor

Citation: Description:

Citation:

30 TAC Chapter 101, SubChapter F 101.201(e)

Failure to provide notification of an excess opacity event within 24 hours of discovery

Moderate

Moderate

Self Report? NO

30 TAC Chapter 116, SubChapter G 116.715(a) 5C THC Chapter 382, SubChapter D 382.085(b)

Failure to comply with the opacity limit of permit no. 9708/PSD-TX-861M2 for V-20 Description:

Date: 09/25/2006 (488931)

Self Report? 30 TAC Chapter 101, SubChapter F 101.201(e) Citation:

Description: Failure to submit notification of an excess opacity event within 24 hours Self Report?

Classification Moderate

Citation:

30 TAC Chapter 116, SubChapter G 116.715(a) 5C THC Chapter 382, SubChapter D 382.085(b)

Description:

Failure to comply with permitted opacity limit during an excess opacity event that did

not meet the affirmative defense criteria

Date: 12/18/2006

(518681)

Self Report?

· NO

30 TAC Chapter 116, SubChapter G 116.715(a)

Citation:

5C THC Chapter 382, SubChapter D 382.085(b)

Description:

failure to comply with permitted opacity limits for FCCU stack during excess opacity

event which did not meet affirmative defense criteria

Date: 02/28/2007

(542056)

Self Report?

NO

Classification

Classification

Moderate

Moderate

Citation:

30 TAC Chapter 281, SubChapter A 281.25(a)(4)

Rqmt Prov:

PERMIT MSGP Part III 7 (b)

Description:

Failure to conduct Annual Comprehensive Site Compliance Evaluations as permit

Environmental audits.

N/A

Type of environmental management systems (EMSs). G.

Н. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

Early compliance.

N/A

Sites Outside of Texas

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
DIAMOND SHAMROCK REFINING	§	
COMPANY, L.P.	§	ENVIRONMENTAL QUALITY
RN100210517		

# AGREED ORDER DOCKET NO. 2007-0676-AIR-E

## I. JURISDICTION AND STIPULATIONS

At its \_\_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Diamond Shamrock Refining Company, L.P. ("Diamond Shamrock") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and Diamond Shamrock appear before the Commission and together stipulate that:

- 1. Diamond Shamrock owns and operates a petroleum refining plant at 6701 Farm-to-Market Road 119 in Moore County, Texas (the "Plant").
- 2. The Plant consists of one or more sources as defined in Tex. Health & Safety Code § 382.003(12).
- 3. The Commission and Diamond Shamrock agree that the Commission has jurisdiction to enter this Agreed Order, and that Diamond Shamrock is subject to the Commission's jurisdiction.
- 4. Diamond Shamrock received notices of the violations alleged in Section II ("Allegations") on or about April 18, 21, 22, and May 19, 2007.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Diamond Shamrock of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 6. An administrative penalty in the amount of Thirty Thousand Eight Hundred Twenty-Six Dollars (\$30,826) is assessed by the Commission in settlement of the violations alleged in Section II

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("Allegations"). Diamond Shamrock has paid Twelve Thousand Three Hundred Thirty-One Dollars (\$12,331) of the administrative penalty and Six Thousand One Hundred Sixty-Five Dollars (\$6,165) is deferred contingent upon Diamond Shamrock's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Diamond Shamrock fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Diamond Shamrock to pay all or part of the deferred penalty. Twelve Thousand Three Hundred Thirty Dollars (\$12,330) shall be conditionally offset by Diamond Shamrock's completion of a Supplemental Environmental Project ("SEP").

- 7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director of the TCEQ and Diamond Shamrock have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Diamond Shamrock has not complied with one or more of the terms or conditions in this Agreed Order.
- 10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Plant, Diamond Shamrock is alleged to have:

- 1. Failed to include all facility common names in the initial notification and final emissions event report for Incident No. 85519, in violation of 30 Tex. ADMIN. CODE § 101.201(a)(2) and Tex. Health & Safety Code § 382.085(b), as documented during a record review conducted on April 10, 2007. Specifically, common names for the Main Refinery Flare and No. 2 Crude/Vacuum Unit Fugitives were included, but those for three Vacuum Compressors and two Refinery Light Ends ("RLE") Compressors were not.
- 2. Failed to prevent unauthorized emissions and to operate a flare, emission point number ("EPN") FL-1, with a pilot flame present at all times, in violation of 30 Tex. ADMIN. CODE §§ 116.715(a) and 101.20(3) Flexible Permit No. 9708/PSD-TX-861M2 Application Representations, Table F-2, and Special Condition 9B, 40 CODE OF FEDERAL REGULATIONS § 60.18(c)(2), and Tex. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on April 10, 2007. Specifically, on December 31, 2006 between 7:00 a.m. and 8:00 a.m. the pilot flame was

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not lit causing an emissions event (Incident No. 85519) during which 136.1 pounds ("lbs") of hydrogen sulfide ("H2S") and 4,506.9 lbs of volatile organic compounds ("VOCs") were released. Since the emissions event was avoidable, Diamond Shamrock failed to meet the demonstration criteria for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

- 3. Failed to include all facility common names in the initial notification and final emissions event report for Incident No. 85520, in violation of 30 Tex. ADMIN. CODE § 101.201(a)(2) and Tex. Health & Safety Code § 382.085(b), as documented during a record review conducted on April 12, 2007. Specifically, common names for several facilities were included, but those for the #1 Deisobutanizer and the BB Treater were not.
- 4. Failed to prevent unauthorized emissions, in violation of 30 Tex. ADMIN. CODE §§ 116.715(a) and 101.20(3), Flexible Permit No. 9708/PSD-TX-861M2, Application Representations, Table F-2 and Tex. Health & Safety Code § 382.085(b), as documented during a record review conducted on April 12, 2007. Specifically, unauthorized emissions of 6,588.9 lbs of VOCs, 100 lbs of nitrogen oxides ("NOx"), 714.2 lbs of carbon monoxide ("CO"), and 1,081.7 lbs of sulfur dioxide ("SO2)" were released from the No. 1 Main Refinery Flare, EPN FL-1, during an emissions event (Incident No. 85520) that occurred on January 1, 2007 and lasted 1 hour and 11 minutes. Since the emissions event was avoidable, Diamond Shamrock failed to meet the demonstration criteria for an affirmative defense in 30 Tex. ADMIN. CODE § 101.222.
- 5. Failed to prevent unauthorized emissions, in violation of 30 Tex. ADMIN. CODE §§ 116.715(a) and 101.20(3), Flexible Permit No. 9708/PSD-TX-861M2, Application Representations, Table F-2 and Tex. Health & Safety Code § 382.085(b), as documented during a record review conducted on April 13, 2007. Specifically, unauthorized emissions of 578.7 lbs of VOCs, 33.7 lbs of NOx, 194.2 lbs of CO, and 2,835 lbs of SO2 were released from the Hydrocracker ("HCU") Unit Flare, EPN FL-4, during an emissions event (Incident No. 86015) that occurred on January 14, 2007 and lasted 5 hours and 58 minutes. Since the emissions event was avoidable, Diamond Shamrock failed to meet the demonstration criteria for an affirmative defense in 30 Tex. ADMIN. CODE § 101.222.
- 6. Failed to prevent unauthorized emissions, in violation of 30 Tex. Admin. Code §§ 116.715(a) and 101.20(3), Flexible Permit No. 9708/PSD-TX-861M2, Application Representations, Table F-2 and Tex. Health & Safety Code § 382.085(b), as documented during a record review conducted on May 9, 2007. Specifically, unauthorized emissions of 1,828.8 lbs of SO2, 19.5 lbs of H2S, and 286.4 lbs of VOCs were released from the No. 1 Main Refinery Flare and No. 2 Vacuum Unit, EPN FL-1, during an emissions event (Incident No. 83769) that occurred on November 11, 2006 and lasted 16 hours and 10 minutes. Since the emissions event was avoidable and improperly reported, Diamond Shamrock failed to meet the demonstration criteria for an affirmative defense in 30 Tex. Admin. Code § 101.222.
- 7. Failed to include all required information in the initial and final emissions event reports, in violation of 30 Tex. ADMIN. CODE § 101.201(a)(2) and (b)(1) and Tex. Health & Safety Code § 382.085(b), as documented during a record review conducted on May 9, 2007. Specifically, the initial report did not contain all facility common names (the No. 1 Main Refinery Flare was listed, but the No. 2 Vacuum Unit was not). The final report also did not contain the facility common

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name No. 2 Vacuum Unit, duration of the event (which changed to 16 hours and 10 minutes, but was not revised for the final report), compound descriptive type of all compounds released (only reported SO2, but H2S and VOCs were also released), and best known cause for the event.

## III. DENIALS

Diamond Shamrock generally denies each allegation in Section II ("Allegations").

# IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Diamond Shamrock pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Diamond Shamrock's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Diamond Shamrock Refining Company, L.P., Docket No. 2007-0676-AIR-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. Diamond Shamrock shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Twelve Thousand Three Hundred Thirty Dollars (\$12,330) of the assessed administrative penalty shall be offset with the condition that Diamond Shamrock implement the SEP defined in Attachment A, incorporated herein by reference. Diamond Shamrock's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
- 3. It is further ordered that Diamond Shamrock shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order:
    - i. Implement measures designed to prevent unauthorized emissions due to the same causes as the emissions events that occurred on November 11 and December 31, 2006, and January 1 and 14, 2007; and
    - ii. Develop and implement procedures to ensure proper reporting of future emissions events and timely responses to requests for information regarding future emissions events.

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b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 3.a.i. and 3.a.ii. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team Enforcement Division, MC 149A Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

with a copy to:

Air Section, Manager Amarillo Regional Office Texas Commission on Environmental Quality 3918 Canyon Drive Amarillo, Texas 79109-4933

- 4. The provisions of this Agreed Order shall apply to and be binding upon Diamond Shamrock. Diamond Shamrock is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
- 5. If Diamond Shamrock fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Diamond Shamrock's failure to comply is not a violation of this Agreed Order. Diamond Shamrock shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Diamond Shamrock shall notify the Executive Director within seven days after Diamond Shamrock becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Diamond Shamrock shall be made in writing to the Executive Director. Extensions are not effective until Diamond Shamrock

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receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

- 7. This Agreed Order, issued by the Commission, shall not be admissible against Diamond Shamrock in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 8. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
- 9. Under 30 Tex. ADMIN. Code § 70.10(b), the effective date is the date of hand-delivery of the Order to Diamond Shamrock, or three days after the date on which the Commission mails notice of the Order to Diamond Shamrock, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

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# SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	
Cally Sallin	9/2/02
For the Executive Director	Date
I, the undersigned, have read and understand the attached Agreed Order on behalf of the entity indicate and conditions specified therein. I further acknowled penalty amount, is materially relying on such representations.	ed below my signature, and I do agree to the terms edge that the TCEQ, in accepting payment for the
I also understand that failure to comply with the Order	ring Provisions, if any, in this order and/or failure to
timely pay the penalty amount, may result in:	
• A negative impact on compliance history;	the state of
Greater scrutiny of any permit applications suf	
penalties, and/or attorney fees, or to a collection	's Office for contempt, injunctive relief, additional
<ul> <li>Increased penalties in any future enforcement;</li> </ul>	
Automatic referral to the Attorney General's C	
<ul> <li>TCEQ seeking other relief as authorized by lay</li> </ul>	W.
In addition, any falsification of any compliance docum	ients may result in criminal prosecution.
MADIE	
Chimpo ( Clean)	JULY-ZO-2007
Signature	Date
THOMAS A. SHETINA	VP+ GEN MGR
Name (Printed or typed)	Title
Authorized Representative of	
Diamond Shamrock Refining Company, L.P.	

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

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# Attachment A Docket Number: 2007-0676-AIR-E

### SUPPLEMENTAL ENVIRONMENTAL PROJECT

Diamond Shamrock Refining Company, L.P.

Payable Penalty Amount:

Twenty-Four Thousand Six Hundred Sixty-One Dollars

(\$24,661)

**SEP Amount:** 

**Respondent:** 

Twelve Thousand Three Hundred Thirty Dollars (\$12,330)

Type of SEP:

Pre-approved

Third-Party Recipient:

Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")- Unauthorized Trash Dump Clean-Up

Location of SEP:

**Moore County** 

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

# 1. Project Description

### A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to coordinate with city and/or county governmental officials regarding the clean up of sites where trash has been disposed of illegally. Eligible sites will be limited to those where a responsible party can not be identified and where there is no pre-existing obligation to clean up the site by the owner or the government. Additionally, reasonable efforts must have already been taken to prevent the dumping. SEP monies will be used to pay for the direct cost of collection and disposal of debris. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

### B. Environmental Benefit

This SEP will provide a discernible environmental benefit by helping rid communities of the dangers and health threats associated with non-regulated trash dumps which contaminate air and water, and harbor disease carrying animals and insects.

Diamond Shamrock Refining Company, L.P. Agreed Order – Attachment A

# C. <u>Minimum Expenditure</u>

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

## 2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc. 1716 Briarcrest Drive, Suite 510 Bryan, Texas 77802-2700

## 3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division Attention: SEP Coordinator, MC 219 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

# 4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality Financial Administration Division, Revenues Attention: Cashier, MC 214 P.O. Box 13088 Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

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Diamond Shamrock Refining Company, L.P. Agreed Order – Attachment A

# 5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

## 6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

# 7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

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